S/25261

REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS
(19 December 1991–21 December 1992)

TWENTY-FIRST SPECIAL SESSION: 19 December 1991
FIFTY-NINTH SESSION: 26 May–21 December 1992

SECURITY COUNCIL OFFICIAL RECORDS

FORTY-SEVENTH YEAR
SPECIAL SUPPLEMENT No. 1

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TWENTY-FIRST SPECIAL SESSION OF THE TRUSTEESHIP COUNCIL,
19 DECEMBER 1991

CONSIDERATION OF THE DISPATCH OF A VISITING MISSION TO OBSERVE CURRENT CONDITIONS IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, 1992

A. Introduction

1. In a letter dated 21 October 1991, addressed to the Secretary-General, 1/ the Alternate Representative for Special Political Affairs of the United States of America referred to the closing remarks of the United States delegation to the Trusteeship Council on 9 May 1991, 2/ which welcomed a visiting mission to Palau to facilitate a better understanding of economic and social conditions there, and requested the convening of a special session of the Trusteeship Council to consider the prompt dispatch of such a mission. That special session of the Council - the twenty-first - was held in one meeting, on 19 December 1991.

2. Mr. Thomas Richardson of the United Kingdom of Great Britain and Northern Ireland and Mr. Jean Félix-Paganon of France, who had served as President and Vice-President, respectively, during the fifty-eighth session of the Council, acted in the same capacity for the twenty-first special session.

B. Adoption of the agenda

3. At its 1690th meeting, on 19 December 1991, the Council considered its provisional agenda contained in document T/1961 and decided to adopt it (see the annex to the present section).

C. Report of the Secretary-General on credentials

4. At the suggestion of the President, the Trusteeship Council decided that since the Secretary-General had not received the credentials of all members of the Council, it would take up the report of the Secretary-General on credentials for the twenty-first special session at its fifty-ninth session.

Decision

5. During the fifty-ninth session, at its 1697th meeting, on 21 December 1992, 3/ the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General on credentials for the twenty-first special session. 4/

D. Letter dated 21 October 1991 from the Alternate Representative for Special Political Affairs of the United States of America to the United Nations addressed to the Secretary-General (T/1960)

6. At its 1690th meeting, on 19 December 1991, the United States delegation expressed its appreciation to the members of the Trusteeship Council for agreeing unanimously to convene a special session of the Council to follow up on its Government's invitation to the Council to send a visiting mission to Palau. 5/

7. He recalled the statements made by representatives of the Government of Palau, who had welcomed a visiting mission to Palau, and in particular had extended a warm invitation to representatives of China and the Union of Soviet Socialist Republics to be a part of the mission. As stated in its letter of 21 October to the Secretary-General, the United States welcomed a visiting mission to Palau in order to facilitate a better understanding of economic and social conditions there. His Government believed that Palau should identify at an early date the political status which it wished to have, as the other parts of the Trusteeship of the Pacific Islands had already done. After 44 years, the Trusteeship had served the purpose of developing Palauan institutions to the point where Palau was in a position to assume responsibility for its own future.

8. The United States' expressed preference had been for free association, and it was for that reason that it had negotiated the Compact of Free Association 6/ in the late 1970s and early 1980s. It continued to support that solution as the one which would serve Palau's long-term interests well. In pursuit of that goal, and at Palau's request, the United States had agreed in 1989 to modify the Compact in certain important ways. Since the May 1991 session of the Council, it had held additional discussions with Palau to identify problems which the leadership perceived and to find equitable solutions.

9. The United States had agreed to negotiate the Compact of Free Association in the belief that such an arrangement would be beneficial to Palau. It wished to see Palau safely launched into statehood and believed that the mechanism of free association was both an equitable and a practical way to achieve that objective. It continued to believe that to be the case, as apparently did the substantial majority of Palauans who had supported the Compact in each of the seven plebiscites. There were, of course, alternatives to the Compact. At the Trusteeship Council session in 1990, the United States delegation had spoken about independence as an alternative to free association. The United States was not advocating that solution; it believed free association to be the better choice. But if free association was not acceptable, then independence seemed to be the logical alternative. Palauans had amply demonstrated that they were quite anxious to exercise self-government, and were fully capable of so doing. Independence would be the ultimate form of self-government.

10. The representative of the United States made it clear to the Council that the indefinite continuation of the trusteeship was not an option. Trusteeship was intended as a temporary status; it had outlived its intended life span and

should be replaced by a more permanent arrangement. The Administering Authority had met its obligation under the terms of the Trusteeship Agreement 7/ to foster the development of self-government in Palau and to work towards a political status which would lead to termination of the trusteeship.

11. Also at the 1690th meeting, the Council took up draft resolution T/L.1279 concerning the arrangements for the dispatch of a visiting mission to Palau, Trust Territory of the Pacific Islands, in March 1992. 5/

12. The President of the Council introduced draft resolution T/L.1279 and stated that it had been prepared according to the format of previous resolutions adopted by the Council on the dispatch of visiting missions. He drew members' attention to the fact that the first preambular paragraph no longer referred to Trusteeship Council resolution 2183 (LIII) of 28 May 1986, but to Security Council resolution 683 (1990) of 22 December 1990, which was the most recent landmark resolution on the Trust Territory of the Pacific Islands. The third preambular paragraph took into account the suggestion made by several Member States of the Pacific region that representatives of countries of that region should be allowed to participate in the Mission.

13. Since all four members of the Trusteeship Council, other than the Administering Authority itself, were ready to send representatives on a visiting mission, the President proposed that operative paragraph 2 be amended to read as follows:

> "Further decides that the Visiting Mission to Palau should be composed of four members of the Trusteeship Council (China, France, the Union of Soviet Socialist Republics and the United Kingdom) and two members of the countries of the region that are not members of the Council, to be determined through further consultations."

Decision

14. At its 1690th meeting, on 19 December 1991, the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered. 5/

15. At the same meeting, the Trusteeship Council considered draft resolution T/L.1279 and adopted it, as orally amended, without a vote, as resolution 2194 (S-XXI). 5/

16. In accordance with the provision of paragraph 2 of Trusteeship Council resolution T/2194 (S-XXI), the Federated States of Micronesia and Papua New Guinea joined the composition of the Visiting Mission.

E. Petitions

Decision

17. At its 1690th meeting, on 19 December 1991, the Trusteeship Council further decided to take note that it had not received any petitions relating to the request for a special session of the Council to consider the dispatch of a visiting mission to Palau, the Trust Territory of the Pacific Islands. 5/

F. Report of the Trusteeship Council to the Security Council covering the twenty-first special session

Decision

18. At its 1690th meeting, on 19 December 1991, the Trusteeship Council decided, without objection, to authorize the Secretariat, in consultation with the President and members of the Council, to prepare a report on the work of the twenty-first special session and to include it in the Council's next annual report to the Security Council on its work at its fifty-ninth session. 5/

Notes

1/ T/1960.

2/ See T/PV.1687.

3/ See T/PV.1697.

4/ T/1968.

5/ See T/PV.1690.

6/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

7/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

Annex

Agenda of the twenty-first special session, adopted by the Trusteeship Council at its 1690th meeting, on 19 December 1991

1. Adoption of the agenda.

2. Report of the Secretary-General on credentials.

3. Letter dated 21 October 1991 from the Alternate Representative for Special Political Affairs of the United States of America to the United Nations addressed to the Secretary-General (T/1960), following up on her Government's invitation to the Trusteeship Council to send a visiting mission to facilitate a better understanding of economic and social conditions in Palau and requesting that a special session of the Council be convened at the earliest possible date to consider the dispatch of such a mission.

4. Examination of petitions related to item 3 of the agenda.

FIFTY-NINTH SESSION OF THE TRUSTEESHIP COUNCIL,
26 MAY TO 21 DECEMBER 1992

PART I. ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL

A. Introduction

1. On behalf of the Security Council, the Trusteeship Council discharges those functions of the United Nations under the International Trusteeship System that relate to the political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands. In accordance with Article 86 of the Charter of the United Nations, the composition of the Trusteeship Council in 1992, at its fifty-ninth session, was as follows:

United States of America (member administering a Trust Territory)

China

France

Russian Federation

United Kingdom of Great Britain and Northern Ireland

2. The Trusteeship Council held its fifty-ninth session between 26 May and 21 December 1992 (1691st-1697th meetings). At its opening meeting, on 26 May, the Council adopted without objection its provisional agenda contained in document T/1963 (see annex I to the present report). 1/

3. At the same meeting, the Trusteeship Council unanimously elected the following officers:

President: Mr. Jean Félix-Paganon (France)

Vice-President: Mr. Thomas L. Richardson (United Kingdom).

4. During the session, the Council heard statements by representatives of the Administering Authority and its special representatives and advisers, as well as by other members of the Council (see part I, sect. C, of the present report). It also heard a statement by a petitioner and considered written communications (see part I, sect. D).

5. At its 1696th meeting, on 2 June 1992, the Trusteeship Council adopted the report of its Drafting Committee on conditions in the Trust Territory of the Pacific Islands containing the Council's conclusions and recommendations (see part I, sect. J, and part II). 2/

6. At its 1697th meeting, on 21 December 1992, the Trusteeship Council adopted the present report to the Security Council (see part I, sect. K).

B. Report of the Secretary-General on credentials

7. At its 1696th meeting, on 2 June 1992, the Trusteeship Council considered, under item 2 of its agenda, the report of the Secretary-General on credentials. 3/

Decision

8. Also at its 1696th meeting, on 2 June 1992, the Trusteeship Council decided, without objection, to take note of the report. 4/

C. Examination of the annual report of the Administering Authority for the year ended 30 September 1991

9. At its 1691st to 1695th meetings, held between 26 May and 1 June 1992, the Trusteeship Council examined, under item 4 of its agenda, the annual report of the Administering Authority on the Trust Territory of the Pacific Islands for the period from 1 October 1990 to 30 September 1991. 5/

Opening statements by representatives of the Administering Authority

10. The representative of the United States of America noted that while Palau's status had not changed since the previous session, there had been a number of developments of some importance. The former United States representative to the Council, Ambassador Wilkinson, had visited Palau twice in 1991 in order to explore with Palauan leaders possible solutions to the stalemate. Subsequently, Palau had requested certain modifications to the Compact of Free Association, 6/ and the United States had responded formally to those suggestions in April 1992. A copy of the United States response had been given to the Council, and the representative was prepared to answer any questions that members might have. There had also been a popular initiative to amend the Palauan Constitution in order to permit ratification of the Compact by a simple majority vote. Those developments showed that Palau was prepared to deal with its future in a decisive and meaningful fashion.

11. The representative of the United States added that one of the important events during the past year was the visit of the Council's Mission to Palau in March 1992. That visit gave all the members of the Council an opportunity to see at first hand the situation in Palau and the potential the country had. While each delegation would want to draw its own conclusions from the visit, her Government believed that the problems which they had seen and heard about were additional evidence that the time had come for Palau to move out of the trusteeship status and to make for itself the decisions that were necessary to ensure its own prosperity and development. A trusteeship which would extend well into the final decade of the twentieth century was clearly not what the Security Council had intended when it had created the trusteeship in 1947, nor was it what the United States had envisaged. Rather, the trusteeship had been created to bridge the gap between the devastation and disruption of the Second World War and whatever future the residents of those islands should choose. The time had come to make that choice.

12. The United States had agreed to negotiate the Compact of Free Association in the belief that such an arrangement would be beneficial to Palau. It believed that the mechanism of free association was both an equitable and a practical way to achieve statehood. It continued to believe this to be the case, as did the substantial majority of Palauans who had supported the Compact in each of the seven plebiscites. At the Council's session in 1991, the United States delegation had spoken about independence as an alternative to free association. The United States was not advocating that solution. It

believed free association to be the better choice; if free association was unacceptable, however, then independence seemed to be the logical alternative. Palauans had amply demonstrated that they were quite anxious to exercise self-government, and were fully capable of so doing.

13. Some had suggested that commonwealth status with the United States would be appropriate for Palau. If the relatively modest obligations of free association were more than some Palauans were willing to bear, however, the considerably more binding relationship of commonwealth status would be inappropriate. The United States saw no evidence that Palau understood the implications of a commonwealth relationship or that such a relationship would prove viable.

14. Substantial modification of the present Compact had also been advanced as a possible alternative. In this connection, the United States representative drew the Council's attention to the fact that, on three separate occasions, the United States had modified the Compact in order to meet Palauan concerns. Unfortunately, none of those concessions had led to the adoption of the Compact. The fact that the United States had made changes was indicative of the serious effort it had made to be responsive to the needs of Palau.

15. As outlined in the United States response to Palau dated 7 April 1992, the existing Compact specified a procedure by which the two parties could agree on modifications of the basic document. The United States considered the Compact to be a living document, which could be adjusted as the situation required. It believed that that built-in feature of the Compact was advantageous to both parties and would have met the needs of Palau. The alternative - to negotiate changes to the Compact yet again prior to ratification by Palau - raised a number of procedural problems which could endanger the entire Compact. The United States had therefore advised Palau that it considered that approach to be both impractical and unwise.

16. The United States goal had been to permit Palau to administer itself to the maximum degree possible, consistent with the ultimate responsibility of the United States as mandated by the Trusteeship Agreement. 7/ After the negotiation of the Compact in 1986, it was the United States belief that Palau would have taken a positive decision on that document; the United States had therefore permitted the Government of Palau to exercise additional authority, consistent with the transition from Trust Territory to freely associated status. Since free association was not adopted as the United States had anticipated, however, her Government had been left no choice but to backtrack somewhat. That had been a painful process for Palau. The fact that Palau had objected to some of the measures taken by the Administering Authority was not a sign of United States insensitivity to Palauan needs but, rather, a sign that Palau had developed its political institutions to the point that the leadership wished to assume full responsibility for the governance of the islands. 1/

17. Ms. Stella Guerra, Assistant Secretary of the United States Department of the Interior and Special Adviser to the Administering Authority, stated that since the recent Visiting Mission, so reflective of the Council's membership, was familiar with most issues, she would confine her remarks to some major events that had occurred subsequent to the publication of the annual report of the Administering Authority to the Council. 5/

18. The Assistant Secretary stated that with regard to the problem of drug abuse, particularly the use of marijuana, which the Visiting Mission mentioned in its report as being a source of concern, an operation had been jointly conducted in Peleliu by several United States agencies and services and the Palauan police. That operation had resulted in the confiscation and destruction of over 10,000 marijuana plants. She firmly believed that the operation had sent a strong message to the people who would engage in this nefarious traffic. Illegal drug activity would not be tolerated as long as the United States was the Administering Authority of the Trust Territory. While no arrests had been made during the operation, she expected local Palauan authorities to follow up and reinforce their own commitment to a drug-free society in Palau.

19. With respect to the request made to the Mission by some local authorities to convince the Administering Authority to resolve the obligation by the International Power Systems Engineering Company (IPSECO), her Government continued to believe that it was up to the Government of Palau to deal with its own debts. The financial package contained in the proposed Compact of Free Association had been designed in such a way that if the Compact was approved, there would be an advance on Compact funding that would cover that debt. This was part of the 1989 Guam Accords. The debt was an obligation of the Government of Palau entered into without the concurrence of the Administering Authority. The same was true of the long-standing obligation for the four paved roads in Babelthuap.

20. Referring to the Secretary's Order 3142, the Assistant Secretary stated that it had been promulgated and enforced largely as a result of the constructive criticism of the Council over the past several years. The United States Government recognized that, as long as the Trusteeship Agreement was applicable to Palau, the United States was ultimately responsible for what happened in the Territory. While there had been a period of years during which her Government was willing to let the Trust Territory administer itself as if it were already in free association with the United States, based on an expectation of imminent approval of the Compact, the United States had since accepted the fact that the approval process in Palau might, more realistically, take more time than originally envisioned.

21. She informed the Council that Secretary's Order 3142 provided for the implementation of the Administering Authority's responsibilities with a closer level of coordination and cooperation between the two Governments. The Order offered funding for a Palau national master plan that would be written according to the expressed desires of the Palauan citizenry and approved in Palau. A partnership agreement with the United Nations Development Programme (UNDP) was being finalized and the actual planning process would commence in the summer of 1992. The United States believed that such a plan was absolutely necessary to secure the future of Palau for the Palauan people. In addition, through the Order, the United States was working closely with the Palauan authorities to ensure fiscal responsibility at both the national and state levels. Already there had been a great deal of progress, with the Government of Palau instituting responsible fiscal measures that would help to ensure that spending remained within available revenue.

22. With regard to the future political status of Palau, the United States was very anxious to close the chapter on trusteeship and still believed that

the Compact of Free Association was the status of choice for both the Palauans and the Administering Authority. In seven plebiscites, the majority of Palauans had made their preference for the Compact abundantly clear. If approval of the Compact was not possible, however, independence was an alternative and the United States would be happy to enter into discussions of independence if free association was no longer a viable alternative.

23. The Assistant Secretary informed the Council that after seven plebiscites, during which the constitutionally mandated 75 per cent majority was not reached, her Government would not be particularly enthusiastic over an eighth plebiscite, unless the Palau Constitution was first amended to allow Compact approval by a simple majority. After there was a successful plebiscite on the Compact, discussions could be held regarding revisions through the Compact's amendment procedures. She assured the Council that the Administering Authority took its responsibility seriously and would continue to do so until the status issue was resolved.

24. Regarding economic and social development, she stated that the Visiting Mission was able to see for itself the nearly completed hospital which was scheduled to open at the end of 1992. That project represented a $25 million investment by the Administering Authority, which would immensely improve health-care delivery in the Territory. The United States has also funded a variety of projects, most of which were described in the annual report, which had contributed to the infrastructure that would aid future development. The Administering Authority's operations and maintenance improvement programme was continuing to provide funds for rehabilitating capital structures and for training personnel in operations and maintenance.

25. The Administering Authority was quite pleased with the success of the privately owned commercial fisheries ventures operating in Palau. The office of the Assistant Secretary and that of President Etpison had reached an important agreement on the preservation and protection of endangered species in Palau. The Visiting Mission was present when they signed a historic agreement which would contribute greatly to the preservation of the various turtle species of Palau's waters. All Palauan commercial trade in shells of endangered turtles had been terminated by mutual agreement.

26. The Assistant Secretary noted that there had been an increase in the number of tourists visiting Palau, which was an excellent indicator of Palau's bright tourism and economic potential. Foreign investment applications were also encouraging. Whereas in 1990, out of 41 applications only 14 had been approved, in 1991, 18 out of 26 applications had been approved for a variety of investments ranging from water sports to banking.

27. Ms. Guerra expressed the hope of the United States that the Palau National Master Plan would provide the structure and rules for legitimate investment that would bring increasing prosperity to Palau, both prior to and after the trusteeship period. A resolution of Palau's political status would give the international business community further confidence in Palau.

28. The Assistant Secretary pledged full United States cooperation in the Council's present and future work with the hope that their collective effort would lead to early termination of the last trusteeship. 1/

29. The Honourable Santos Olikong, Minister of State of Palau and Special Representative of the Administering Authority, expressed the appreciation of the people of Palau to the United States Department of the Interior and to UNDP for financing and participating in the formulation of the Palau National Master Plan through a tripartite agreement with the Palau Government. Early in 1992, the Palau Government had formed and launched a national policy task force which had begun the process of national planning and it was awaiting final approval of the initial funding by the Department of the Interior and UNDP. Only through the formulation and execution of this economic and social plan could Palau control its destiny. He also added his people's and Government's appreciation to the Administering Authority for the new hospital facilities.

30. He stated that Palau had requested certain operation and maintenance funds from the Interior Department for servicing the IPSECO generators at Aimeliik. The funds were absolutely essential for maintenance of the generators, which could soon become non-functional owing to a lack of maintenance. That emergency situation demanded immediate action. Although the Interior Department had granted the request, it had pegged the release of funds to the enactment of legislation in Palau transferring utilities from the Government to a self-supporting autonomous body. He therefore appealed to the Council to help the Palau Government convince the Assistant Secretary to consider the urgency of that matter.

31. The Visiting Mission had been apprised of the negative impact of United States environmental laws and regulations on current and future development projects in Palau. While many provisions of those laws and regulations passed in Washington, D.C., were geared towards the protection and enhancement of the natural environment of the islands, their approval processing requirements were very cumbersome, highly technical and expensive.

32. According to Mr. Olikong, there was an urgent need to revise the system to permit Palau to accelerate its development in order to meet its rising needs and resolve its social and economic problems. He proposed that the Administering Authority take one of the following measures: either the establishment by concerned United States agencies of their offices in Palau, or the appointment of Palau Government agencies to perform approval functions.

33. The Special Representative noted that the Compact of Free Association was the only existing political status option on the table between the United States and Palau. The details of the relationship had been first disputed, the negotiated and finally agreed upon. Palau needed to see an end to the trusteeship so that its Constitution could be fully enforced by its people and be recognized not only by Palau's neighbours, but also by the United States and the United Nations as the only sovereign instrument - the supreme law of the land - in Palau.

34. He informed the Council that, in 1991, Palau had suggested the removal of nuclear provisions from the Compact, but was advised that that was not acceptable; it sought a shorter term of the free association relationship and the redesignation of land areas which the United States could commandeer for military purposes. Those proposed Compact modifications were officially transmitted in writing to the United States Government by the Palauan political leadership in October 1991. Unfortunately, on 7 April 1992, the

United States Department of State had responded by summarily rejecting all the proposed modifications.

35. There was no certainty that Palauans would approve the latest version of the Compact, unless some better assurances came from the United States relating to military land-use rights and the terms of the agreement.

36. In the economic sphere, he said, Palau had remained undeveloped. The tourist industry was moving at a slow pace. While blessed with bountiful waters, Palau's lucrative fishing industry had hardly moved the islands out of their economic doldrums. Palau had not been able to maximize optimum economic returns from the exploitation by distant-water fishing nations of Palau's fisheries resources within its 200-mile exclusive economic zone, because it had been plagued by illegal fishing by foreign fleets. Slow progress was evident in the area of trade and commerce while infrastructure facilities and institutions remained inadequate, if not antiquated.

37. The educational system in Palau continued to be substandard: it was failing to mould the people of Palau into vital assets in nation-building; and schools and other learning institutions could not produce quality graduates. Since employers hired trained immigrants before employing from the Palauan workforce, too often young Palauans had to choose between emigration or stagnation. As a result, 13 out of 16 States were suffering from depopulation.

38. The lack of road, power and water systems in Babelthuap Island contributed to the over-concentration of physical development in Koror. While basic services were being extended too slowly to villages outside Koror, the increasing population and commercial activities in Koror overburdened water, sewer and electric utilities in that city.

39. The Minister said that Secretary's Order 3142, issued by the United States Secretary of the Interior on 15 October 1990, was being applied as an instrument for violating the very same Trusteeship Agreement 1/ and the Charter of the United Nations by taking away powers and authority that the 16 states and the national Government of Palau had been exercising. In their application, most sections of Order 3142 had run counter to the objectives of the Trusteeship Agreement.

40. He stated that selective enforcement of the Secretary's Order was creating an impression among Palauans that the Administering Authority wanted to perpetuate Palau's dependence on the United States. It appeared to him that that regressive Order was reducing Palau to a welfare State, unable to stand on its own feet and thus continuing to be forever subservient to the whims of its Administering Authority. The Government of Palau hoped that the Order was not in any way a tool to pressure or coerce Palau into accepting the Compact of Free Association.

41. The Special Representative stated that Palau's political agenda for the remainder of 1992 included voting on a citizens' initiative calling for a constitutional amendment referendum. If passed favourably, another Compact plebiscite would follow. If the Palauan voters rejected the Compact of Free Association at the polls, with or without their suggested changes, then Palau and its people would have no other choice but to explore an alternate status arrangement.

42. Simultaneous with the preparations for the constitutional amendment referendum called for by the popular initiative, Palau would also conduct a historic presidential primary election in September, to be followed by general national elections in November during which the electorate would select new leaders for the next four years. Palau was determined to put an honourable end to the trusteeship in the first year of the next Administration. 1/

43. At its 1694th meeting, on 29 May 1992, statements in the general debate were made by the representatives of China, France, the United Kingdom and the Russian Federation. 8/

44. The representative of China stated that, according to the Charter, the principal task of the international trusteeship system was aimed at furthering international peace and security and promoting the political, economic, social and educational advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence. China noted that, owing to the protracted efforts made by the people in the Trust Territories and the international community, including the United Nations, the majority of Trust Territories had terminated, one after another, their trusteeship and become independent members of the international community. Palau was the only entity of the Trust Territory of the Pacific Islands that remained under the United Nations trusteeship system. Its political status remained an outstanding issue.

45. In accordance with its resolution 2194 (S-XXI) of 19 December 1991, the Council had dispatched a Visiting Mission to Palau in March 1992. China was also represented on the Mission. Through their contacts with people from all walks of life in Palau during their visit and inspection, members of the Visiting Mission had seen with their own eyes the current state of affairs and the problems existing in the political, economic and social development in Palau, and had achieved a better understanding of the demands and aspirations of the Palauan people for self-determination and economic and cultural development. The report submitted by the Mission to the Council contained a detailed account of that visit, as well as useful recommendations and ideas advanced by the Mission. China expressed the hope that that visit would have a positive impact on accelerating the process of self-determination in Palau.

46. The recent consideration of the Territory in the Council had not only given China a better understanding of the situation of the Trust Territory, but had also contributed to the comprehensive and correct implementation of the provisions of the Charter and the Trusteeship Agreement. 7/

47. Although the people in the Trust Territory had made some discernible progress in the political, economic and social fields, China noted that some reasonable demands and aspirations of the people in the Trust Territory had yet to be met. There were still some issues between the Trust Territory and the Administering Authority that demanded a prompt solution. China expressed the hope that the parties concerned would act in accordance with the Charter and the Trusteeship Agreement and seek appropriate solutions through consultations so as to facilitate the political, economic and social advancement of the people of the Trust Territory.

48. The Chinese Government had always supported the people of the Trust Territory in their desire for national self-determination and independence.

China therefore respected the choice the people of Palau had made of their own free will, in conformity with their national interest, over their future political status. In its view, the political future of Palau should be decided by Palauans themselves. The Chinese delegation also held that the Administering Authority should, before termination of the trusteeship in Palau, adopt practical measures, fulfil its obligations towards the Trust Territory and meet the just aspirations and demands of the people in the Trust Territory so as to create the necessary conditions for the early realization of self-determination and independent development in Palau. 8/

49. The representative of France stated that it was not for the Council to express its views on the future institutions of Palau; that was up to that Territory's population. If the Compact of Free Association 6/ was not achievable, however, all other options should be examined. Pending the removal of the trusteeship from Palau, the Administering Authority must continue to fulfil the obligations incumbent upon it. His delegation had noted with satisfaction the assurances given at that session by the delegation of the United States on the point.

50. The delegation of France was pleased that the Trusteeship Council was able, in 1992, to observe directly the situation in Palau, through its Mission which visited Palau in March. France had studied with great interest the information contained in the Mission's report regarding both the Territory's status and its socio-economic situation. In that connection, the information contained in the report, together with the material customarily provided to the Council each year by the Administering Authority, showed that tangible progress had been achieved. It had noted in particular that the development of the tourism sector in the archipelago was continuing steadily, and that the performance of the fishing industry, regarding which various initiatives had been taken by the authorities of Palau, was very encouraging. It had also noted with interest that the construction of a new hospital in Koror was almost completed.

51. His delegation was aware that difficulties continued despite the aforementioned progress and, more generally, despite the positive results achieved in the Territory regarding the democratic nature of its institutions and the standard of living of the population. Those difficulties, which had been noted in the Visiting Mission's report and mentioned by a petitioner, were sources of legitimate concern for Palauans. The delegation of France had noted in particular the concerns expressed regarding the need for environmental protection of the archipelago, and the continuation of illegal fishing in the territorial waters of Palau.

52. France expressed the hope that those difficulties and the Territory's budgetary problems would continue to be the subject of talks between the Palauan authorities and the Administering Authority.

53. The delegation of France fully agreed with the observation made in the Visiting Mission's report, namely, that Palau's status no longer matched the degree of political, economic and social maturity that the Trust Territory had achieved. France believed that efforts undertaken to put an end to its current status must be actively pursued so that Palau could accede as soon as possible to a new status chosen by its population. 8/

54. The representative of the United Kingdom stated that his Government had consistently supported the efforts of the people of the Trust Territory of the Pacific Islands to achieve whatever form of self-government met their wishes and their particular circumstances. That was why his delegation had supported the adoption of Trusteeship Council resolution 2183 (LIII) of 28 May 1986, by which the Council had recognized that the peoples of Micronesia had freely exercised their right to self-determination, and had chosen either free association with the United States or Commonwealth status.

55. He noted that the Chairman of the Visiting Mission, in his statement before the Trusteeship Council on 26 May, had referred to the evident sense of frustration in Palau regarding the impasse over Palau's future political status. The trusteeship was never designed to last forever, nor was it not in the interest of the people of Palau that it should. His delegation believed that the United States, as the Administering Authority, had done its best to fulfil its obligations under the trusteeship and had been generous with its assistance and guidance to Palau over the past 40 years. The Compact of Free Association 6/ had been clearly favoured not just by the Administering Authority but also by the majority of Palauans in every plebiscite to date; support for it had never fallen below 60 per cent. His delegation had heard with interest of the proposal by Palau for a referendum in the near future on a constitutional amendment to allow the Compact to be approved by a simple majority of the electorate, which would be followed by another referendum on the Compact. He expressed the hope that, whichever course of action Palauans chose to take, early progress could be made on resolving the existing impasse so that the trusteeship could be terminated within the next year.

56. The United Kingdom maintained its view, as expressed in 1991, that Secretary's Order 3142 was necessary in order for the Administering Authority to fulfil its obligations to the Trust Territory. The United Kingdom had noted, however, that in its report the Visiting Mission had indicated that it had encountered a great deal of criticism about the impact of the Order. Those criticisms had been repeated to the Council by the Honourable Minister of State. It was clear that was crucial for Palau, at the present time and in the future, to ensure that it met its financial responsibilities. Without that commitment Palau could not hope to attract international capital and investment, which was so vital to any emerging economy. The Council had been reassured, however, by the statement in the Council on 27 May by the Assistant Secretary that, following recent discussions between Palau and the Administering Authority, the stage had been set for improved budget management. Of particular importance were statements by the Assistant Secretary that the budget-suspension provision would probably soon begin to fade away, and that capital projects such as certain road-construction schemes might shortly resume. The poor state of Palau's roads had been noted in both the annual report of the Administering Authority 5/ and the report of the Visiting Mission. 9/ In that connection, he welcomed the grant of $2.6 million for bridge and road repairs which had been announced to the Council by the Assistant Secretary.

57. The United Kingdom representative noted that a significant portion of the reports of both the Administering Authority and the Visiting Mission had been devoted to questions of economic and social development. There was welcome information, including continued progress in the development of the Palauan fisheries industry. That industry provided a much-needed source of revenue to

an economy which was overly reliant on grants from the Administering Authority. The revenue from licensing arrangements, the establishment of fisheries-related enterprises and the development of an expanding export industry could do a great deal to provide much-needed employment and revenue. However, the illegal activities of foreign fishing vessels, poaching in Palauan waters, were clearly cause for concern. In that respect, his delegation expressed the hope that the Administering Authority would take note of the suggestion in paragraph 122 of the report of the Visiting Mission. 9/ With regard to fisheries, he was pleased to note that action had been taken to improve the quantity and quality of information on catches, information which was vital for the proper management of Palau's fisheries resources.

58. His delegation observed that tourism continued to be of major importance to the Palauan economy. As had been noted by the Visiting Mission, Palau had the potential to become a major tourist destination; further communications and improvements to the infrastructure, and perhaps some provision for tourist industry staff training in the National Master Plan, would help towards the achievement of this goal. Palau's attraction for tourists stemmed, however, from its natural beauty. His delegation expressed the hope that the Government of Palau would ensure that the growth of tourism did not lead to a degradation of Palau's natural environment.

59. His delegation was particularly pleased at the progress reported in the social field. The progress towards completion of the new hospital was certainly most welcome. On the question of drugs, the Anti-Substance-Abuse Programme was clearly making an important contribution. He shared the views of the Palauan authorities that the supply of, and demand for, drugs must be tackled together.

60. The representative of the United Kingdom reiterated his Government's view that Palau was ready for self-government, as the Palauan people themselves had amply demonstrated. The United Kingdom would support the people of Palau in its efforts to determine, at the earliest date, a future political status which fully accorded with their wishes. 8/

61. The representative of the Russian Federation stated that at a time when there was radical change in the world, affecting all States and peoples, the existence of a Territory under colonial dependence and trusteeship was strikingly anachronistic. The Trusteeship Council was considering the situation in Palau, the last Territory under the International Trusteeship System.

62. His delegation understood the feelings of the people of Palau, which had been expressed to the members of the Trusteeship Council as well as to the members of the Visiting Mission during their visit to Palau. The members of the Visiting Mission had stressed that the people of the Trust Territory had outgrown the status of a trust and were seeking the earliest possible solution to the question of their Territory's future political status.

63. His delegation also understood the problems and difficulties that Palau faced as it moved towards that new status. In addition to the annual report of the Administering Authority, 5/ the Council had also been provided with additional and extremely detailed information on the political, economic and social situation in Palau that had been gathered locally by the Visiting

Mission. The Mission's conclusions, views and recommendations 9/ were important and should be taken into account by both the Administering Authority and by the Council itself in its further work and in the preparation of its report to the Security Council.

64. He noted that, notwithstanding the efforts made by the Administering Authority, as well as those of the local authorities in Palau, to achieve economic and social progress, the principal problems remained, those of financial independence, external indebtedness, an insufficiently developed industry, a lack of suitable and sufficient infrastructure and capital funding, a low level of electrification in the Territory and insufficient medical services. Those problems were also mentioned in the report of the Visiting Mission to Palau.

65. It was clear that the obligations of the United States under the terms of the Trusteeship Agreement 7/ and the Charter were still in force and would continue to be in force until the population of Palau was able to exercise its right to self-determination on the basis of a free expression of its will and the subsequent appropriate decision by the Security Council. The Administering Authority's oft-repeated determination to follow that path unswervingly, which it had reiterated at that session, testified to its responsible approach to achieving the goals of its trusteeship. In the light of that, it was important that the complex effort being made by the Administering Authority to work out an overall plan for the future development of the Territory should also take into account existing programmes for economic development. In that connection, his delegation wished to express its satisfaction at the statement by the representative of the United States at the meeting of 27 May, with regard to the Administering Authority's plans to promote and assist several such programmes.

66. The representative of the Russian Federation observed that, among Palau's problems requiring solution, the main problem involved the question of that Territory's future political status. That was the central question, and one that was of great concern to the population of Palau, to the Trusteeship Council and to the international community as a whole. The people of Palau themselves must find a solution to that question. There was no doubt that the United Nations and the Administering Authority must assist them in finding that solution and in achieving the goals of trusteeship so that the people of Palau were provided with all the means necessary to exercise their inalienable right to self-determination and freedom of choice in accordance with the Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples. 10/

67. His delegation regarded as very promising the assurances given some time ago by the United States to the members of the Security Council concerning Micronesia as a whole, and to the Trusteeship Council with regard to Palau, that it had no plans to position military bases in that Territory. Those assurances were in keeping with the need to reduce the foreign presence there and would also promote the development of overall cooperation in the region.

68. The Russian delegation was in favour of the full implementation of the goals of trusteeship with regard to the Trust Territory of the Pacific Islands and Palau and supported the Palauan people's inalienable right to self-determination, free choice of status under the Trusteeship Agreement and

the Declaration on decolonization. He expressed the hope that that session of the Trusteeship Council would promote social and economic progress in Palau and bring the Territory nearer to determining its future political status on the basis of the free expression of the will of its people. 8/

Closing statements by the representatives of the Administering Authority

69. At the 1695th meeting, on 1 June 1992, the representative of the United States stated that it was safe to say that all present fully supported Palau's desire to develop its economy and to adopt a political status satisfactory to its people, as had the other parts of the Trust Territory. With the scheduled referendums on amending the Constitution and approving the Compact, Palau would take the final steps towards resolving its political status before the Council's next session. If those referendums were successful, the following session of the Council might well be its last, and the trusteeship system would finally become a thing of the past. She indicated that, if those referendums were not successful, the Administering Authority would turn to the option of independence for Palau. As had been made plain repeatedly throughout the current session of the Council, the indefinite continuation of the status quo was not an option. An extended period of trusteeship would add to the feeling of frustration in Palau and would leave the Council with the responsibility of reviewing developments in a very unreal atmosphere.

70. The representative of the United States reiterated that her Government would continue to take seriously its obligations under the Trusteeship Agreement 7/ to promote the political, economic, social and educational advancement of the Palauan people and their progress towards self-government. To that end, she appreciated the comments and recommendations of the members of the Council and those contained in the report of the Visiting Mission. 9/ She would endeavour to keep the Council promptly informed of developments concerning Palau's political status. 11/

71. Ms. Stella Guerra, Assistant Secretary of the United States Department of the Interior and Special Adviser to the Administering Authority, underscored three areas that exemplified the direction of the Administering Authority's action in Palau, namely, illegal foreign fishing, budget suspensions and the Palau National Master Plan.

72. With regard to illegal foreign fishing, she stated that it had been a continuing problem for Palau over the years. The United States Department of State planned to discuss the most recent incursion with the Government of the offending fishermen in an attempt to halt or curtail such violations of Palau's territorial integrity. Although some Palauans had requested that the United States provide constant patrol, the United States could not afford to devote full-time Coast Guard patrol vessels to Palau.

73. Besides the issue of resource protection, the Government of Palau should give significant consideration to the concept of self-government in its future exercise of sovereignty. It should be offensive to Palau, which was on the verge of nationhood, to rely solely on the outside Power for the protection of its territory, a responsibility that was an essential badge of nationhood. The United States believed that a tripartite arrangement among the State of Tobi, the Government of Palau and the United States Coast Guard, with the predominant effort from Palau, could provide effective surveillance. With

Palauans leading such a tripartite arrangement, not only would there be a show of capable self-government and validation of the future exercise of sovereignty, but Palau's borders and natural resources would be given effective protection. The United States looked forward to full funding of the Cape George patrol operation by the Government of Palau and the hiring of sufficient crew for sustained sea activity. In the unusual instance when additional support might be necessary, the United States Coast Guard cutter in Guam might be available to render assistance if it had no other equally important duty to perform.

74. On the issue of budget suspension, the Assistant Secretary noted that the representative of the United Kingdom had put it succinctly when he said that Secretary's Order 3142 should be a means, not an end. The United States believed that with the enactment of Republic of Palau Public Law 3-70, the Order might no longer be used as a means of ensuring fiscal responsibility. Given the recent decisive action by the Olbiil Era Kelulau, she was optimistic that the suspension power with regard to budget issues might fall into disuse. Such an occurrence would signal another step for Palau in achieving the self-governmental and fiscal stature it needed for joining the community of nations.

75. The Assistant Secretary had hoped to be able to report to the Council that all documents for initiation of the Palau National Master Plan had been signed, sealed and delivered. Such, however, was not the case. The President of Palau and his Government were pushing hard for action. The President, on his part, had already signed the bilateral Master Plan agreement with the Department of the Interior. In meetings held in May between the United States and UNDP, final touches had been put on the trilateral agreement between Palau, the Department of the Interior and UNDP. It was expected that internal approval by UNDP could be secured within two and a half weeks. If so, signing would take place immediately thereafter, and the programme would commence.

76. The Assistant Secretary stated further that during the following two years, the Administering Authority expected a great deal of discussion, heated arguments and fierce verbal battle as Palauans strove for consensus on a number of vital developmental issues that would shape Palau for years to come. The United States expected the planning process to end in both legislative and bricks-and-mortar implementation of the Plan. If so, Palau, as it entered the community of nations, might be unique in its opportunity for turning bright economic potential into a lustrous reality. 11/

77. Mr. Victorio Uherbelau, Special Representative Adviser to the Administering Authority, commended the Mission which had visited Palau in March 1992 for having carried out an excellent and professional task. Many matters of major importance contained in the Mission's findings, among others, had been enunciated by Council members, including the representatives of the Administering Authority.

78. The representative of the Russian Federation had observed that requisite funding for capital improvement projects (CIP), much needed for Palau's economic growth and self-sufficiency, should have been made available to allow for timely emplacement of infrastructure in keeping with the trusteeship obligations of the Administering Authority. The CIP funds, especially for the Babelthuap circumferential road system, should not have been made part of the

negotiated financial package under the Compact because they had become hostage to Compact implementation. Fulfilment of this particular trusteeship responsibility had been said to have been put off for the past 12 years pending eventual termination of the trusteeship status.

79. The Special Representative Adviser took note of the concern voiced by the representative of the United Kingdom over the repeated poaching by foreign fleets in the Republic's exclusive economic zone and the current lack of maritime law enforcement to combat the problem.

80. Since 1985, Palau had participated fully in the activities, programmes and projects of the South Pacific Forum Fisheries Agency (FFA) by virtue of its full-fledged membership in this Pacific regional body. As coastal States, the 16 member countries of FFA enjoyed sovereign rights over the living and non-living resources within their respective 200-mile exclusive economic zones, as prescribed by the United Nations Convention on the Law of the Sea. 12/

81. A Western Pacific Purse Seine Management Arrangement had been concluded at Tarawa, after three years of careful negotiations, and the treaty awaited final clearance by member Governments before it was open for signature. When implemented, the Arrangement would serve as a management tool for safeguarding stocks of highly migratory species of fish from depletion by foreign fishing nations active in their region in the Pacific.

82. Mr. Uherbelau further informed the Council that a Joint Maritime Surveillance and Enforcement Cooperative Convention had been concluded at Alofi and officially named the Niue Convention. When it entered into force, the agreement would enable all FFA member States to cooperate in and coordinate the fisheries surveillance and law enforcement activities in warding off continued illegal fishing by distant-water fishing nations. That arrangement was to be complemented with the Maritime Surveillance Communications Network operating out of Honiara, Solomon Islands, to monitor illegal fishing operations by means of a telecommunications system. 11/

D. Petitions

Oral hearings

83. At its 1692nd meeting, on 27 May 1992, the Trusteeship Council heard one petitioner under item 6 of its agenda. 13/

Written communications and petitions

84. At the same meeting, the Trusteeship Council considered three communications. The list of the communications together with an indication of their contents is contained in document T/INF/40 and Corr.1.

Decisions

85. At its 1692nd meeting, on 27 May 1992, the Trusteeship Council decided, without objection, to take note of written communications Nos. 1, 3 and 4 summarized in document T/INF/40 and Corr.1. 13/

E. Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1992

86. At its 1691st, 1692nd and 1694th meetings, held between 26 and 29 May 1992, the Trusteeship Council considered, under item 5 of its agenda, the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1989. 9/

87. In introducing the report, at the 1691st meeting, the representative of the United Kingdom, who had served as Chairman of the Mission, stated that the Visiting Mission was a very important Mission for two reasons, the first being that it was the largest Mission to visit Palau for many years. All of the members of the Trusteeship Council had been represented, other than the United States itself. In addition, from the Pacific region, Papua New Guinea and the Federated States of Micronesia had participated in the Mission. Secondly, as members of the Council would have noticed, the Mission's report was unanimous. The Chairman expressed the hope that it derived greater strength from that fact.

88. He informed the Council of the three most important issues that had been raised during the visit. The first was the question of Palau's future political status. There was a very evident sense of frustration among all those with whom the Mission members had spoken and a corresponding anxiety to ensure the success of the next referendum, which all Palauans hoped would be the last, on the proposed Compact of Free Association. 6/ The Mission had noted the possibility of a constitutional amendment to enable the Compact to be passed by a simple majority in a subsequent referendum. The Council had just been informed that the Administering Authority had replied to the Palauan memorandum of last October. He expressed the hope that the statements which were made and those still to be made would help to clarify the way forward, and that all Members of the Council would be able to judge for themselves how the events of the next year were likely to proceed.

89. The Chairman of the Visiting Mission stated that on many occasions, while the Mission was in Palau, the Trusteeship Council was urged to assume greater responsibility for the process. It was fair to say that there was no real agreement on what the Trusteeship Council should do. For example, some of those to whom the Mission spoke wanted a moratorium on any further Compact referendums and therefore, at least by implication, the prolongation of the Trusteeship Agreement 7/ for some time yet to come. Others, on the other hand, wanted the Council to take early action to help the parties reach agreement on Palau's future status and so facilitate the early termination of the Trusteeship Agreement. Everyone to whom the Mission members spoke, however, had begged and implored the Council not to abdicate its responsibilities. There was no disagreement whatsoever on that.

90. In all of that, the Council's position was clear. It was not for the Council to express a view on any particular form of future political status, provided only that it conformed to the broad framework of self-government or independence that was laid down in Article 76 of the Charter. It was a self-evident fact that only Palauans could decide on their own future, through their own democratic constitutional processes. The Trusteeship Council would continue to fulfil its responsibilities fully and conscientiously for as long as the Trusteeship Agreement remained in force. The members of the Mission

were very impressed indeed by the sophistication and maturity of both the Palauan leadership and the Palauan people. They were in no doubt whatsoever that Palau stood ready to assume increased responsibilities internationally.

91. The second issue was the impact of Secretary's Order 3142. It was in the interest of the Palauans themselves to ensure responsibility for financial and fiscal matters and, above all, of course, for their Government. That was true and had to be true whatever Palau's current or future status. It would have an effect on international willingness to invest in the Territory. Once the question of future status was resolved Palau would stand on its own, both in determining its national budgetary priorities and in seeking to attract international capital and investment. Secretary's Order 3142, therefore, should be seen as a means to an end, and not as an end in itself. The underlying aim should not be to perpetuate unnecessary conflict between the Government of Palau and the Administering Authority, but rather to resolve matters on the spot in a responsible way so that the provisions of the Order would not need to be used in future.

92. Finally, the question of economic development and economic self-reliance was an issue which the Government of Palau would of course have to face whatever its political status. Although Palau was a small territory with limited resources, there was much scope for greater utilization of the advantages that Palau already enjoyed and the prospects for fishing and the tourist industry. In the future, action was going to be needed on both the revenue side and the expenditure side. On the revenue side, it seemed that there was need for greater development of local revenue-producing resources, so that more funds could accrue to the national Government. That, in turn, would both enhance Palau's self-reliance and reduce its dependence on aid. On the expenditure side, a fresh look should be taken at the staffing and pay levels of the public sector in Palau.

93. The Chairman of the Visiting Mission welcomed the proposal to transform Palau's past debts into a consolidated loan arrangement so that there would be a greater degree of predictability in forecasting future requirements to service the loan. 1/

94. Speaking at the 1692nd meeting, the representative of the United States considered the Visiting Mission to Palau an informative and useful exercise. She noted that two consistent themes had appeared in the three opening statements of the United States delegation and in the Mission report, namely, that Palau had outgrown its present institutional status and that the trusteeship, which had served its purpose, was an anachronism. It was recognized by all that the time had come for a change. She welcomed the assurance that the Council would continue to fulfil its responsibilities conscientiously for as long as the Trusteeship Agreement 7/ remained in force. The United States fully understood that the restraints on international contacts were a source of frustration to Palau, but it had made a special effort to mitigate that frustration by replying promptly and fully to Palau's requests to participate in international meetings and, with rare exceptions, it had approved Palau's participation without delay. With the full concurrence and support of the United States, Palauans had travelled far and wide in order to participate in a variety of international forums during the past year.

95. The representative of the United States further stated that it was not advisable at that point for Palau to appear on the international scene as a full member of the international community. As a Trust Territory, Palau had no standing in international law to conduct its own relations with foreign nations other than through the Administering Authority. Participation by Palau as if it were a full sovereign State would lead to confusion on the part of many countries which might not be familiar with Palau's unique status as a Trust Territory. Until the trusteeship for Palau was terminated, it was necessary for Palau to appear on the international scene as a Trust Territory.

96. She reiterated that the United States had no intention of establishing military facilities in Palau. That point had been covered in considerable detail in the 7 April letter from her Government.

97. She considered it encouraging that all members of the Council, as well as Palau and the Administering Authority, were in full agreement with the objective of early resolution of Palau's status. 13/

98. Ms. Stella Guerra, Assistant Secretary of the United States Department of the Interior and Special Adviser to the Administering Authority, stated that with regard to Secretary's Order 3142 and as the Mission's report had stated, the United States had agreed that Palau's past debts must be duly paid. She also agreed that there might have been a misunderstanding of parts of Order 3142, or insufficiently close day-to-day consultations. Eighteen months previously, the position of Director of the Palau Office of the Trust Territory had been filled, with the specific intent of improving coordination and cooperation between Palau and the United States Department of the Interior. The working relationship was much improved. In addition, personnel from the Washington office travelled frequently to Palau for consultations and to provide assistance.

99. In order to improve consultation on the budget issue, a staff member had been sent to Palau in early May. The discussion had led to the enactment of Republic of Palau Public Law 3-70. The bill was significant in that it provided the groundwork for greatly improved financial responsibility in Palau and for avoiding budget suspensions in the future. The bill provided authorization for a loan to pay off past debts and a system for eliminating deficits that could give rise to future prior-year debts, and $213,000 had been appropriated in a supplemental allocation, out of $1.621 million projected to be available. That responsible action left $1.4 million available for emergency use.

100. She informed the Council that late in 1991, a number of road projects had been suspended for lack of funds. If monies were available in August or September 1992, the road projects would be funded. Good budget execution was the responsibility of the executive branch. If, however, the Olbiil Era Kelulau wanted to make sure that the funds were available for roads, it would make good budget execution its priority. Recent actions in both the executive and the legislative branches had set the stage for greatly improved financial management. Recent revenue reports from Palau showed evidence that the improved processes were in place and working. She looked forward to being able to avoid budget suspensions in the future.

101. The Mission had suggested that infrastructure, including roads and electricity, was inadequate on Babelthuap. Realizing the same need, in May 1992, the Administering Authority had allotted $2.6 million for Koror and Babelthuap bridge repairs and repairs to causeways and the airport access road. The United States civic action teams would continue to concentrate their efforts on pioneering road construction on Babelthuap. That would not only open up that island to permit agricultural pursuits, but at the same time would spearhead the extension of power, water, telecommunications and future paved highways. Additionally, the Master Plan, with its financial component, would point the way towards funding desired infrastructure projects.

102. With regard to the Mission's recommendation for greater emphasis on career training and opportunities for Palauan nationals in the tourist sector, it was anticipated that the Master Plan would recommend the levels of tourism and associated training necessary for Palauans to compete effectively in the tourist industry.

103. Turning to the Mission's suggestion that additional funds be found to improve the maintenance of schools, especially in the outlying areas, she informed the Council that more than $2 million of United States capital improvement funding had just been allotted to the Palau Government for classroom repairs and construction.

104. On the issue of construction permits for development projects, the Assistant Secretary stated emphatically that the United States would not preside over the degradation of the unsurpassed environment in Palau. Lengthy consideration was required for those projects that might have potential and substantial adverse effects on Palau's natural environment. 13/

105. The representative of Papua New Guinea, who had been one of the members of the Visiting Mission representing the Pacific region, observed at the 1694th meeting that there was hardly any economic development in Palau. The Administering Authority had no plan for the Territory's economic development. Infrastructures needed for economic and social development were also limited. Without roads it would be very difficult for people in the outer islands to enjoy the hospital facilities in Koror, and it would be difficult for fishermen and women from the outer islands to enjoy the markets in Koror. He expressed the hope that the plans and financial support which seemed to be in place would encourage those very important facilities to be provided in order to help all the people of Palau.

106. He expressed the opinion that Palau's political future had not been well thought out, in the sense of all the options having been offered to the people of Palau. The Compact of Free Association, 6/ produced in consultation with the people of Palau, was the only option that had been offered; only recently was the option of independence made known. Palauans had been told formally and informally that the only viable option was the Compact of Free Association. Such kinds of pressure led his delegation to conclude that the inalienable rights of the people of Palau had not been respected. The decision on political status and the right to make that decision must remain with the people of Palau.

107. The representative of Papua New Guinea stated that the nuclear provision in the Palau Constitution was in accord with the South Pacific Nuclear-free

Zone Treaty. Therefore, all the members of the South Pacific Forum supported that nuclear provision. 8/

108. At the 1694th meeting of the Trusteeship Council, the representative of the United Kingdom, on behalf of China, France, the Russian Federation and his own delegation, introduced draft resolution T/L.1282 concerning the report of the Visiting Mission. 9/ He drew attention to an omission in operative paragraph 3 of the draft resolution and stated that in the second line, the words "the report of" should be inserted after the words "conclusions and observations of". 8/

Decision

109. Also at its 1694th meeting, on 29 May 1992, the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered. 8/

110. At the same meeting, the Trusteeship Council adopted draft resolution T/L.1282, as orally amended, without a vote, as resolution 2195 (LIX). By that resolution, the Council approved the report of the Visiting Mission; expressed its appreciation for the work accomplished by the Visiting Mission on its behalf; decided to continue to take the recommendations, conclusions and observations of the Mission into account in future examination of matters relating to the Territory; and invited the Administering Authority to take into account the Mission's recommendations and conclusions, as well as the comments made thereon by members of the Council. 8/

F. Offers by Member States of study and training facilities for inhabitants of Trust Territories

111. At its 1692nd meeting, on 27 May 1992, the Trusteeship Council considered, under item 7 of its agenda, the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Trust Territories covering the period from 2 May 1991 to 15 May 1992. 14/

Decision

112. Also at its 1692nd meeting, on 27 May 1992, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1965. 13/

G. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories

113. At its 1692nd meeting, on 27 May 1992, the Trusteeship Council considered, under item 8 of its agenda, the report of the Secretary-General on the item, covering the period from 1 May 1991 to 30 April 1992. 15/

114. The representative of the Department of Public Information of the Secretariat introduced the report and drew the attention of members to some of its highlights. He stated that the information activities of the Department during the period under review were aimed at enlightening the people of the Trust Territory about their right to self-determination, which was particularly demonstrated in some of the radio programmes disseminated in the Territory through the local radio station in Koror. Among the materials sent to the Territory from Headquarters were the documents of the Trusteeship Council, which had been mailed directly to 79 recipients. For financial reasons, the Director of the United Nations Information Centre in Tokyo had been unable to visit the Trust Territory during the period under review. With regard to feedback from recipients, in 1991, the Department had sent out a questionnaire to 79 recipients in the Trust Territory by direct mail; the response had been poor, however.

115. The representative of the Russian Federation asked how effectively United Nations materials were being disseminated in the Trust Territory. He expressed concern over the shortcomings of distribution of information in the Territory.

116. The representative of China asked what specific ideas the Department had in order to improve its performance in disseminating information and obtaining feedback from the recipients since the feedback from the recipients of the questionnaire had been poor.

117. The representative of the United Kingdom suggested that if the second mailing of the questionnaire, which was planned for 1992, failed to elicit a large return of responses from the Territory, then at some stage the Department of Public Information should itself review the level of its activities.

Decision

118. At its 1692nd meeting, on 27 May 1992, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1966. 13/

H. Cooperation with the Committee on the Elimination of Racial Discrimination

Second Decade to Combat Racism and Racial Discrimination

119. At its 1693rd meeting, on 28 May 1992, the Trusteeship Council decided to consider jointly items 9 and 10 of its agenda, namely, "Cooperation with the Committee on the Elimination of Racial Discrimination" and "Second Decade to Combat Racism and Racial Discrimination". 16/

120. During the consideration of the items, the representative of the Russian Federation stated that, in accordance with the pertinent resolutions of the General Assembly and other United Nations bodies, there was interaction and cooperation between those bodies in implementing programmes aimed at respect for human rights and the elimination of racial discrimination. That cooperation was also presupposed on the part of the Trusteeship Council.

121. He regretted that, in spite of the fact that cooperation between the Trusteeship Council and the other organs had been required for many years, good will regarding such cooperation on the part of the Council had not yet been demonstrated. He believed that cooperation with the Committee on the Elimination of Racial Discrimination should have been established, particularly because that would not have required any additional or extraordinary effort from the Trusteeship Council. 16/

Decision

122. At its 1693rd meeting, on 28 May 1992, the Trusteeship Council decided, without objection, to take note of the statement made on the two agenda items. 16/

I. Attainment of self-government or independence by the Trust Territories and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Cooperation with the Special Committee on the Situation with with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

123. At its 1693rd meeting, on 28 May 1992, the Trusteeship Council decided to consider jointly items 11 and 12 of its agenda. 16/

124. The representative of the Russian Federation expressed his opinion that cooperation and interaction between the Trusteeship Council and the United Nations Committee on decolonization was necessary, and that such cooperation would benefit both bodies. He noted with satisfaction the presence of the representative of Papua New Guinea, who was participating in the work of the Council as a member of the Visiting Mission but not as the Chairman of the Special Committee. He expressed the hope that in the future, cooperation between the two organs would continue. 16/

125. The representative of Papua New Guinea pointed out that the Declaration by the General Assembly of the International Decade for the Eradication of Colonialism 17/ and its Plan of Action 18/ to achieve that purpose by the year 2000 included, in his view, the question of Palau. That gave all the more reason for cooperation between the United Nations organs dealing with those issues.

126. In order to encourage such cooperation, he offered his view that in the future, the Chairman of the Special Committee should be requested to address the Council in that capacity, especially when the item being discussed was taken up. He expressed the hope that the Council would give some consideration to that request. 16/

Decision

127. At its 1696th meeting, on 2 June 1992, the Trusteeship Council decided, without objection, to draw the attention of the Security Council to the conclusions and recommendations adopted by the Trusteeship Council at its fifty-ninth session concerning the attainment, in accordance with the relevant provisions of the Charter, and in particular Article 83, of self-government or independence by the Trust Territory, and to the statements made in Trusteeship Council on those questions. 4/

J. Report of the Drafting Committee

128. At its 1693rd meeting, on 28 May 1992, the Trusteeship Council decided, without objection, to appoint a Drafting Committee composed of the representatives of China, France, the Russian Federation and the United Kingdom to prepare draft conclusions and recommendations for inclusion in the Council's report to the Security Council, based on the discussions that had taken place in the Trusteeship Council at its fifty-ninth session. 16/

129. The Trusteeship Council considered the report of the Drafting Committee at its 1696th meeting, on 2 June 1992. At that meeting, the representative of the United Kingdom, on behalf of the Drafting Committee, introduced the report contained in document T/L.1283. 4/

Decisions

130. At its 1696th meeting, on 2 June 1992, the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered. 4/

131. At the same meeting, the Trusteeship Council adopted, without a vote, the draft conclusions and recommendations contained in the annex to the report of the Drafting Committee. 2/ The Council further decided that the conclusions and recommendations would constitute part II of its report on its fifty-ninth session to the Security Council. 19/

K. Adoption of the report of the Trusteeship Council to the Security Council

132. At its 1697th meeting, on 21 December 1992, the Trusteeship Council considered the report of its fifty-ninth session to the Security Council. 20/

133. At the same meeting, on 21 December 1992, the Trusteeship Council adopted, without a vote, the present report, as a whole. 20/

PART II. CONCLUSIONS AND RECOMMENDATIONS

134. At its 1696th meeting, on 2 June 1992, 4/ the Trusteeship Council adopted, without a vote, the following conclusions and recommendations (see part I, sect. J):

"A. Political advancement

"The Trusteeship Council takes note of its resolution 2183 (LIII) of 28 May 1986, and of its subsequent reports to the Security Council.

"The Trusteeship Council takes note of the adoption on 22 December 1990, by the Security Council, as proposed by all members of the Trusteeship Council, of resolution 683 (1990), in which the Security Council determined, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, that the objectives of the Trusteeship Agreement 1/ had been fully attained, and that the applicability of the Trusteeship Agreement had terminated with respect to those entities. In the same resolution, the Security Council also expressed its hope that the people of Palau would be able in due course to complete the process of freely exercising their right to self-determination.

"The Trusteeship Council notes the statement by the Minister of State of Palau on 26 May that the leadership of Palau desires an end to the trusteeship at an early date and, to that end, has decided on a further round of consultations with the Palauan electorate (T/PV.1691). The Trusteeship Council notes also that the Administering Authority, in its statements to the fifty-ninth session of the Council, has reiterated its firm support for an early resolution of the future political status of Palau.

"The Trusteeship Council expresses the hope that the people of Palau will soon be able to complete the process of exercising freely their right to self-determination, and that it will be possible to terminate the Trusteeship Agreement in the very near future.

"The Trusteeship Council expresses its appreciation for the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1992, contained in document T/1964, which it has approved in resolution 2195 (LIX) of 29 May 1992.

"B. Economic, social and educational advancement

"The Trusteeship Council notes that the people of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, have elected to assume full responsibility for administration in the economic, social and educational fields.

"The Trusteeship Council notes the concerns expressed by the Palauan leadership regarding the implementation of Secretary's Order 3142. It shares the view expressed by the United Nations Visiting Mission that there is a need for a continuing process of consultation and advice on how best to satisfy the procedures required under the Order. It is also hopeful that over time the need for the Order, or at any rate for the activation of its suspension provisions, will be diminished, and welcomes in this context the statement made by the Assistant Secretary of the Interior to the Trusteeship Council on 27 May (T/PV.1692).

"The Trusteeship Council notes the concerns of the Government and people of Palau, as expressed to the United Nations Visiting Mission, regarding the level of economic development and social progress, and their desire for improvements in these areas. It shares the view of the United Nations Visiting Mission that continued efforts are needed in this regard, especially in the outlying states of Palau. At the same time, the Trusteeship Council welcomes the improvements reported in the tourism and fisheries sectors, while noting the problems of illegal fishing in Palauan waters and the need to ensure that the development of the tourist industry will take into account the importance of preserving the natural environment of Palau. It welcomes also improvements in the public health sector. It expresses the hope that further progress will continue to be made in these and other fields. It also notes the assurances by the Administering Authority that it will continue to do what it can to assist the people of the Territory to attain greater economic self-sufficiency through responsible economic development.

"C. General

"The Trusteeship Council notes with satisfaction the assurances given by the Administering Authority that it will continue to fulfil its responsibilities under the Charter of the United Nations and under the Trusteeship Agreement.

"The Trusteeship Council takes note of the continued assurances by the Administering Authority that the United States of America has no plans to establish military bases in Palau."

Notes

1/ See T/PV.1691.

2/ T/L.1283.

3/ T/1967.

4/ See T/PV.1696.

5/ 1990 Trust Territory of the Pacific Islands, October 1, 1990 to September 30, 1991, forty-fourth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands. Transmitted by the United States of America to the United Nations pursuant to Article 88 of

the Charter of the United Nations (Department of State publication No. 9935). Copies were transmitted to members of the Trusteeship Council by document T/1962 and to members of the Security Council by document S/23871.

6/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

7/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

8/ See T/PV.1694.

9/ T/1964.

10/ General Assembly resolution 1514 (XV).

11/ T/PV.1695.

12/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

13/ See T/PV.1692.

14/ T/1965.

15/ T/1966.

16/ T/PV.1693.

17/ General Assembly resolution 43/47.

18/ A/46/634/Rev.1, annex.

19/ The present report.

20/ See T/PV.1697.

Annex I

Agenda of the fifty-ninth session, adopted by the Trusteeship Council at its 1691st meeting, on 26 May 1992

1. Adoption of the agenda.

2. Report of the Secretary-General on credentials.

3. Election of the President and the Vice-President.

4. Examination of the annual report of the Administering Authority for the year ended 30 September 1991: Trust Territory of the Pacific Islands.

5. Report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, March 1992 (T/1964).

6. Examination of petitions. a/

7. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)).

8. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)).

9. Cooperation with the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 2106 B (XX) and 46/83).

10. Second Decade to Combat Racism and Racial Discrimination (General Assembly resolutions 3057 (XXVIII) and 46/85).

11. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 46/71).

12. Cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1654 (XVI)).

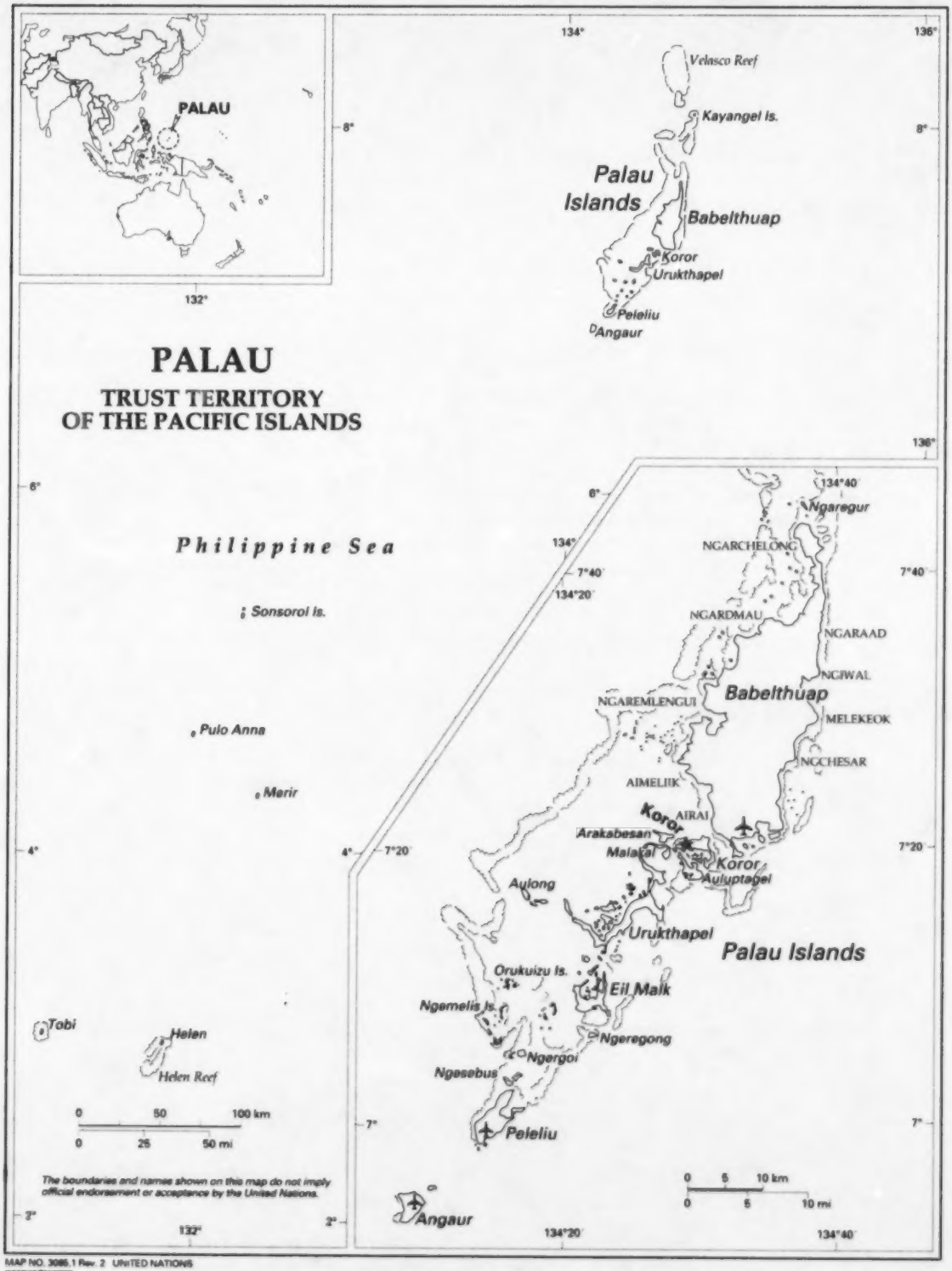
13. Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)).

Notes

a/ See T/INF/40 and Corr.1. To be incorporated in Official Records of the Trusteeship Council Fifty-eighth Session, Sessional Fascicle.

Annex II

Map of Palau, Trust Territory of the Pacific Islands



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